JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

	U.	S. Army	Corps of Engineers	
DISTRICT OFFICE:	SAN FRANCISCO			
FILE NUMBER:	29346N			
PROJECT LOCATION	INFORMATION			
State:	California			
County:	Sonoma			
	tes of site (latitude/longitude):	10.40.40		
Approximate size	e of area (parcel) reviewed, inc.	3 3-23-4 9. Iudina ya	5409 123-09-01.8931	
Name of nearest	waterway: Russian Gulch	idanig up	ands: .5 acres.	
Name of watersh	ed: Russian Gulch			
JURISDICTIONAL DET	FDMINATION			
Completed:	Desktop determination	F3		
· · · · · · · · · · · · · · · · · · ·	Site visit(s)	[]	Date:	
	one visitis)	[x]	Date(s): January 20, 2005	
Jurisdictional De	etermination (JD):			
[] Preliminary JE United States" and (Reference 33 CF)		ion, [] the	re appear to be (or) [] there appear to be no "waters" on the project site. A preliminary JD is not appea	s of the lable
[x] Approved JD - Check all that a	- An approved JD is an appeala pply:	ble action	(Reference 33 CFR part 331).	
[] <i>There are</i> "na within the rev	avigable waters of the United S riewed area. Approximate size	tates" (as of jurisdi	defined by 33 CFR part 329 and associated guidance stional area:)
[x] <i>There are</i> "w reviewed area	vaters of the United States" (as a Approximate size of jurisdict	defined by ional area	33 CFR part 328 and associated guidance) within the1 acre.	ne
[] There are "iso	olated, non-navigable intra-st	tta saatsu	or wetlands" within the reviewed area.	
[] Decis	Sion supported by SWANCC/A	ne <i>muiers</i> fioratory i	or wenands" within the reviewed area. Bird Rule Information Sheet for Determination of No	
	, y, x, c, c, z, .	iigiatory ;	one Rule information Sheet for Determination of No	Jurisdiction.
BASIS OF JURISDICTION	AL DETERMINATION:			
A. Waters defined	under 33 CFR part 329 as "re	avigable	waters of the United States":	
El and bresence of	waters that are subject to the er	h and flo	V of the tide and/a	
in the past, or ma	y be susceptible for use to trans	port inter	state or foreign commerce.	ısed
	under 33 CFR part 328.3(a) a			
[](1) The presence	of waters, which are currently	is water	ere used in the past, or may be susceptible to use in	
(1(3) The presence	of other waters such as intracta	ta laicae e	None observe C 1 C .	
				ats,
	a mode announce interpretate con	unicide iii	CHIGHO any such waters (about all that the	m or
[](i) whic	ch are or could be used by inter	rtata an En	constant sacri waters (eneck all that apply);	

[] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

[] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [] (iii) which are or could be used for industrial purposes by industries in interstate commerce. [](4) Impoundments of waters otherwise defined as waters of the US.

[x (5) The presence of a tributary to a water identified in (1) - (4) above.

[] (6) The presence of territoria	al seas	
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[] (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(I) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Russian Gulch Creek is a tributary to the Pacific Ocean and is an other water of the U.S. with a defined bed and bank (i.e. ordinary high water mark).

	Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)
	[x] Ordinary High Water Mark indicated by: [] High Tide Line indicated by:
	[x] clear, natural line impressed on the bank [] oil or scum line along shore objects
	The presence of litter and debris I fine shell or debris deposits (foreshow)
	[] changes in the character of soil [] physical markings/characteristics
	[x] destruction of terrestrial vegetation [] tidal gages
	[X] shelving
	[x] other: direct observation of high flows by applicant and Corps
[] Mean High Water Mark indicated by:
	[] survey to available datum; [] physical markings; [] vegetation lines/changes in vegetation types.
ſ] Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
B	Basis For Not Asserting Jurisdiction:
1	The reviewed area consists entirely of uplands.
Ĺ	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4.7)
į.	I rical quarters declined to approve jurisdiction on the basis of 33 CEP, part 328 3(a)(2)
I.	The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
	[] Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
	I I will clarify in igaica areas, which would revert to unland if the irrigation accord
	[] Artificial takes and ponds created by excavating and/or diking dry land to called an I
	rice growing.
	[] Artificial reflecting or swimming pools or other small ornamental bodies of water created
	by excavating and/or diking dry land to retain water for primarily anotheric recovery
	1 I water-fined depressions created in dry land incidental to construction activity and nite account to the state of the s
	part of the same o
	and the resulting body of water meets the definition of waters of the United States found at 22 cress
	- m - co ((c) -
	[] Isolated, intrastate wetland with no nexus to interstate commerce.
İ	[] Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
I	[x] Other (explain): Russian Gulch is invictional but the second for the second f
OH	[x] Other (explain): Russian Gulch is jurisdictional but the proposed bridge is above OHW and no fill would be placed below IW.
DATA REV	IEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):
[x]	Maps, plans, plots or plat submitted by or on behalf of the applicant.
[]]	Data sheets prepared/submitted by or on behalf of the applicant.
[1 David of Millian and the state of the stat
	1 This office of the state of t
() I	This office does not concur with the defineation report, dated , prepared by (company): Data sheets prepared by the Corps.
[](Corps' navigable waters' studies:
[][J.S. Geological Survey Hydrologic Atlas:
[][J.S. Geological Survey 7.5 Minute Topographic mans
H	J.S. Geological Survey 7.5 Minute Historic quadrangles:

[] U.S. Geological Survey 15 Minute Historic quadrangles:
[] USDA Natural Resources Conservation Service Soil Survey:
[] National wetlands inventory maps:
[] State/Local wetland inventory maps:
[] FEMA/FIRM maps (Map Name & Date):
[] 100-year Floodplain Elevation is: (NGVD)
[] Aerial Photographs (Name & Date):
[x] Other photographs (Date): 1/20/05
[] Advanced Identification Wetland maps:
[x] Site visit/determination conducted on:
[] Applicable/supporting case law: 1/20/05
[] Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.